



MINUTES

City Council Regular Meeting
May 18, 2021 - 7:00 PM

CALL TO ORDER

Mayor Rudy called the meeting to order at 7:00 p.m.

PLEDGE

ROLL CALL

Mayor:	Brian Rudy
Mayor Pro-Tem:	Mark Clark
Council:	Laura Speer
	Alicia Johnson
	Fred Neal
	Amanda Castle
	Tammy Mortenson

AUDIENCE PARTICIPATION

Bob Murphy, Jim Riesberg and Shawn Walcott, United Way of Weld County, presented City Council with a certificate certifying that the City of Evans has been designated as an AARP Network of Age-Friendly States and Communities. Mayor Rudy accepted the certificate.

APPROVAL OF AGENDA

Mayor Pro-Tem Clark made the motion, seconded by Council Member Johnson to approve the agenda as submitted. The motion passed with all voting in favor thereof.

CONSENT AGENDA

1. Approval of the May 4, 2021 City Council Meeting Minutes

Mayor Pro-Tem Clark made the motion, seconded by Council Member Neal to approve the consent agenda as presented. The motion passed with all voting in favor thereof.

NEW BUSINESS

2. Consideration of Resolution Number 12-2021 to Approve an Intergovernmental Agreement with Greeley for Construction of Roadway Improvements at Two Rivers Parkway and 37th Street

Mr. Becklenberg reviewed the item as detailed in the agenda packet. He then turned the meeting over to Mark Oberschmidt, City Engineer.

Mark Oberschmidt reviewed the Intergovernmental Agreement (IGA) and the scope of the work to be performed. The City has been working with Greeley and the developer of the Peakview subdivision to install much needed intersection improvements at Two Rivers Parkway and 37th Street. The current intersection has stop signs for north and south bound traffic. Due to the increased level of east-west traffic and vehicle speeds, getting across the intersection has become increasingly difficult and dangerous. This has led to many accidents over the past few years. Greeley has funded 100% of the design of the project, with input from Evans staff. Greeley, Evans and the developer of Peakview will all help fund the construction. The Evans share is fifty percent (50%) of the construction costs, with about 42% of the Evans cost to be paid by the Peakview developer. This is a joint project as the intersection is bounded by Evans and Greeley on the south and north, respectively. All the roadways coming into the intersection have been annexed by either Greeley (West, North and East) or Evans (South). The IGA with Greeley spells out the expectations and responsibilities for each party surrounding the funding and completion of this project. In summary, Greeley will be responsible for the design, bidding, most of the construction observation and payment of the contractor. Evans will contribute financially to the project and will observe construction on the section of Two Rivers Road in Evans. For the purpose of consistency, all construction will be done in accordance with City of Greeley standards and specifications.

Council Member Speer asked staff why this location was not considered for a roundabout. Mark Oberschmidt responded that Greeley and their consultant opted for the four-way signal. There is also a lot of right-of-way required for this project on the north side of the intersection.

Mayor Rudy asked staff why the City's contribution is 50% when only one quarter of the intersection is located in Evans. Mark Oberschmidt explained that the property southwest of the intersection is currently unincorporated Weld County and will eventually be annexed into Evans. Weld County was asked to contribute to the project and they said no.

Council Member Neal asked staff if Greeley will adhere to the Freedom Parkway Agreement. Mark Oberschmidt responded yes.

Council Member Castle asked staff about the Peakview Development Agreement whereas if the developer changes, would the new developer have to comply with the Agreement and also asked if there is a sunset on the Agreement. Mark Oberschmidt responded that the Agreement runs with the land and does not have an expiration. Mr. Becklenberg asked Scott Krob, City Attorney to verify for Council that the Agreement runs with the land and does not expire.

Mayor Rudy is in favor of the IGA and stated that the intersection could use the traffic signals.

Council Member Castle made the motion, seconded by Council Member Neal to approve Resolution Number 12-2021 to adopt the Intergovernmental Agreement with Greeley for the Two Rivers Parkway and 37th Street Intersection Improvements and to authorize the Mayor's signature on the IGA. The motion passed with all voting in favor thereof.

3. Public Hearing: Consideration of Ordinance Number 744-21 to Update the Official Zoning Map for the City of Evans Pursuant to Change Changes that occurred in late 2020 (1st Reading)

Mayor Rudy opened the public hearing at 7:17 p.m.

Mr. Becklenberg reviewed the item as detailed in the agenda packet. The Official Zoning Map for the City of Evans needs to be updated pursuant to zoning changes through annexation of the McConnell-Spaeth properties which occurred on December 15, 2020.

Mayor Rudy asked if there was anyone in the audience wishing to speak in favor of the proposed ordinance. There were none.

Mayor Rudy asked if there was anyone in the audience wishing to speak in opposition of the proposed ordinance. There were none.

Council Member Speer stated that the former Eastwood Village property is still listed as Residential – Manufactured Home zoning district. It was her belief that a zoning district would be created for an RV Park. Anne Best Johnson, Community Development Director, explained that a recreational vehicle park designation falls within the Residential – Manufactured Home zoning district.

Mayor Rudy closed the public hearing at 7:19 p.m.

Council Member Castle made the motion, seconded by Council Member Mortenson to approve Ordinance Number 744-21 as proposed on first reading. The motion passed with all voting in favor thereof.

4. Consideration of 37th Street Widening Design Change Order

Mr. Becklenberg reviewed the item as detailed in the agenda packet. Staff presented 47th Avenue Widening and 37th Street Widening Design Progress Reports at the April 20, 2021 City Council Work Session. At that time, the need for a change order to the 37th Street Widening Design Contract was also discussed, and Council directed staff to return at a future meeting for formal consideration of the change order approval. Staff recommends approval of the change order in the amount of \$489,700 and contract extension to December 2022.

Council Member Castle made the motion, seconded by Council Member Mortenson to authorize the change order to the contract with RockSol for the 37th Street Widening Project in the amount of \$489,700 increasing the not to exceed contract amount to \$1,847,211 and to authorize the extension of the contract with RockSol to December 2022. The motion passed with all voting in favor thereof.

REPORTS

5. City Manager

Mr. Becklenberg reviewed the March Sales Tax report. He also advised Council of the upcoming business events being held on Thursday, May 20, 2021.

6. City Attorney

Scott Krob, City Attorney, advised that he will not be in attendance at the June 1, 2021 Council meeting.

AUDIENCE PARTICIPATION (general comments)

There was no audience participation.

EXECUTIVE SESSION

7. To confer with the city attorney for the purpose of receiving legal advice on specific legal questions related to potential litigation, pursuant to C.R.S. Section 24-6-402(4)(b)

Mayor Pro-Tem Clark made the motion, seconded by Council Member Castle, to adjourn into Executive Session at 7:27 p.m. to confer with the city attorney for the purpose of receiving legal advice on specific legal questions related to potential litigation, pursuant to C.R.S. Section 24-6-402(4)(b). The motion passed with all voting in favor thereof.

The meeting reconvened at 8:26 p.m.

Mr. Krob noted for the record that the executive session that Council concluded was within the scope of the statute and that he was present for the duration of the discussion, so the discussion is subject to the attorney client privilege.

ADJOURNMENT

The meeting was adjourned at 8:26 p.m.


City Clerk



CITY OF EVANS – MISSION STATEMENT

“To deliver sustainable, citizen-driven services for the health, safety, and welfare of the community.”

It is the policy of the City of Evans that all programs and activities shall be accessible to, and usable by, persons with disabilities. Persons needing assistance shall contact the Safety & Risk Management Manager at the City of Evans. Please provide three to five business day's advance notice so we can adequately meet your needs.